

Message Text

UNCLASSIFIED

PAGE 01 STATE 310608
ORIGIN EUR-12

INFO OCT-01 ISO-00 FEA-01 ERDA-07 AID-05 CEA-01 CIAE-00
CIEP-02 COME-00 DODE-00 EB-07 FPC-01 H-02 INR-07
INT-05 L-03 NSAE-00 NSC-05 OMB-01 PM-04 USIA-15
OES-06 SP-02 SS-15 STR-04 TRSE-00 ACDA-10 CEQ-01
EPA-04 IO-13 NSF-02 /136 R

DRAFTED BY L/EUR:SGUDGEON/EUR/CAN:KKJONIETZ:RM

APPROVED BY EUR/CAN:KKJONIETZ

OES:HSPIELMAN

CORPS:CHPAQUETTE

-----240904Z 117624 /13

R 240047Z DEC 76
FM SECSTATE WASHDC
TO AMEMBASSY OTTAWA

UNCLAS STATE 310608

E.O. 11652: N/A

TAGS: SENV, CA

SUBJECT: DRAFT LETTER TO IJC ON LAKE SUPERIOR CONTROL
ORDERS

REF: STATE 300740

1. EMBASSY IS REQUESTED TO DELIVER FOLLOWING DRAFT LETTER
TO EXTAFF (BRADY) AS PROMISED PARA 2(A) REFTEL. PLEASE
EMPHASIZE THAT CANADIAN COMMENTS WOULD BE WELCOME AS SOON
AS POSSIBLE.

2. BEGIN TEXT: DEAR MR. BULLARD: I WRITE IN RESPONSE TO
THE COMMISSION'S DECLARATIONS IN THE RECENT REPORT ENTITLED
FURTHER REGULATION OF THE GREAT LAKES, AS CLARIFIED BY YOUR
LETTER OF NOVEMBER 2, CONCERNING THE JURISDICTION OF THE
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 310608

COMMISSION IN THE MATTER OF PROCEEDING TO A FORMAL AMEND-
MENT OF THE ORDERS OF APPROVAL GOVERNING THE LAKE SUPERIOR
CONTROL WORKS IN THE ST. MARY'S RIVER SO AS TO REFLECT THE
REGULATORY OBJECTIVE ENUNCIATED IN THE SPECIAL INTERIM
REPORT OF 1973.

AS THE COMMISSION IS AWARE, BOTH GOVERNMENTS REMAIN SUPPORTIVE OF THE EMERGENCY REGULATION REFLECTIVE OF THIS OBJECTIVE WHICH WAS DIRECTED BY THE COMMISSION IN JANUARY

OF 1973 AND SINCE CONTINUED IN RESPONSE TO CONCERN IN BOTH COUNTRIES REGARDING THE CRITICALLY HIGH LEVELS ON THE GREAT LAKES. THE TWO GOVERNMENTS APPRECIATE THE COMMISSION'S VIEWS ON THE CONTINUING NATURE OF THE EMERGENCY SITUATION UNDERLYING THE COMMISSION'S DIRECTIVE SET FORTH IN YOUR LETTER.

BY JOINT REFERENCE OF EVEN DATE, THE GOVERNMENTS OF THE US AND CANADA HAVE CHARGED THE COMMISSION WITH FOLLOW-ON ACTIVITY IN LIGHT OF ITS REPORT, WHICH INCLUDES EXAMINATION OF A REFINED PLAN OR PLANS FOR REGULATION OF LAKE SUPERIOR WITH A VIEW TOWARDS PERMANENT IMPLEMENTATION OF THE OBJECTIVE OUTLINED IN THE 1973 SPECIAL INTERIM REPORT. THE GOVERNMENTS CONCUR THAT CONSIDERATION OF FORMAL AMENDMENT OF THE GOVERNING ORDERS TO REFLECT THIS OBJECTIVE, ENDORSED BY THE GOVERNMENTS, WOULD BE APPROPRIATE, AND, FURTHER, RECOGNIZE THAT THIS MIGHT PROCEED NOTWITHSTANDING THAT A REFINED PLAN OF REGULATION REMAINS TO BE DEVELOPED, ON THE ASSUMPTION THAT AN AMENDED ORDER MIGHT SUITABLY PROVIDE THEREFOR.

IN THIS REGARD, THE TWO GOVERNMENTS WISH TO INFORM THE COMMISSION THAT THEY DO NOT INTEND AT THE PRESENT TIME TO INITIATE ACTION TO CAUSE SUCH FORMAL AMENDMENT. SUCH ACTION ON THE PART OF THE USG WOULD REQUIRE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT AND THE ENACTMENT OF UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 310608

LEGISLATION CLARIFYING APPLICABLE DOMESTIC LAW SO AS TO FACILITATE PERMANENT IMPLEMENTATION OF THE REGULATORY OBJECTIVE. THE COMMISSION IS AWARE THAT USG ACTION IN RESPONSE TO THE 1973 REPORT WOULD NECESSARILY AWAIT SUCH DEVELOPMENTS. PROPOSED LEGISLATION FOR THIS PURPOSE WAS UNSUCCESSFULLY INTRODUCED BY THE ADMINISTRATION IN THE 94TH CONGRESS, AND WE ANTICIPATE THAT IT MAY BE REINTRODUCED IN THE NEW CONGRESS.

(GOC COMMENTS TO BE INSERTED AS APPROPRIATE.)

WITH RESPECT TO THE JURISDICTION OF THE COMMISSION TO PROCEED ITSELF TO FORMAL AMENDMENT IN LIGHT OF THE CONCERNS IN BOTH COUNTRIES AT EXTREME LEVEL CONDITIONS, AND THE VIEWS OF THE TWO GOVERNMENTS, THE GOVERNMENTS GENERALLY CONCUR IN THE COMMISSION'S STATEMENT OF THE CONTINUING NATURE OF ITS JURISDICTION CONTAINED IN YOUR LETTER. I WOULD NOTE THE VIEWS EXPRESSED BY THE USG IN A SUBMISSION

OF SEPTEMBER 24, 1974, REGARDING AN ANALOGOUS JURISDICTION-
AL QUESTION ARISING IN PROCEEDINGS UNDER DOCKET 46. IF
THE COMMISSION WERE TO INITIATE A PROCESS OF AMENDMENT,
THE GOVERNMENTS WOULD EXPECT THAT THE COMMISSION WOULD
PROCEED CONSISTENT WITH THE PROVISIONS OF THE BOUNDARY

UNCLASSIFIED

WATERS TREATY OF 1909, AND WITH ITS RULES OF PROCEDURE, IN
PARTICULAR AFFORDING ADEQUATE OPPORTUNITIES AS THEREIN
CONTEMPLATED FOR PUBLIC REVIEW AND COMMENT.

I UNDERSTAND A LETTER EXPRESSING A SIMILAR CONCLUSION IS
BEING SENT TO THE CANADIAN SECTION BY THE DEPARTMENT OF
EXTERNAL AFFAIRS. VERY TRULY YOURS, RICHARD D. VINE.

KISSINGER

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TEXT, TRANSPORTATION, PUBLIC CORRESPONDENCE, INLAND WATERWAYS, FEES, INTERGOVERNMENTAL COOPERATION
Control Number: n/a
Copy: SINGLE
Draft Date: 24 DEC 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE310608
Document Source: CORE
Document Unique ID: 00
Drafter: SGUDGEON/EUR/CAN:KKJONIETZ:RM
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760472-0354
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19761214/aaaaalrv.tel
Line Count: 130
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EUR
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 77 STATE 300740
Review Action: RELEASED, APPROVED
Review Authority: vogelfj
Review Comment: n/a
Review Content Flags:
Review Date: 14 JUN 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <14 JUN 2004 by chengls>; APPROVED <20 DEC 2004 by vogelfj>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: DRAFT LETTER TO IJC ON LAKE SUPERIOR CONTROL ORDERS
TAGS: SENV, CA, US
To: OTTAWA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006